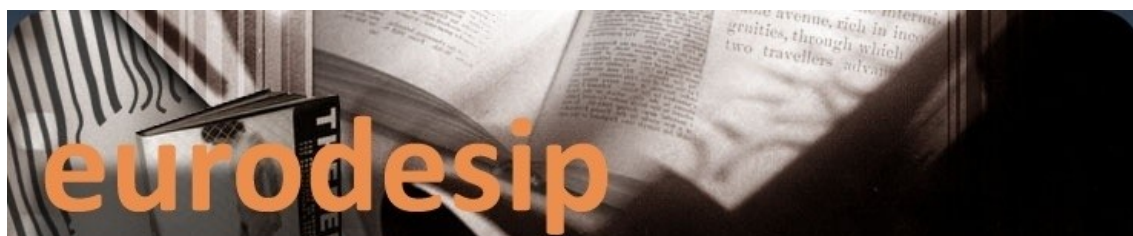




Education and Culture

**Socrates**  
Grundtvig

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# eurodesip: diagnosis of state of Higher Education in Penal Institutions in Europe

GUIDE FOR HIGHER EDUCATION. CONCLUSIONS AND RECOMMENDATIONS

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## PRESENTATION

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The report set out below is one of the results of the “EURODESIP project: Diagnosis of Higher Education in Penitentiary Institutions in Europe”. This work has been carried out within the framework of the Grundtvig Action of the European Union Socrates Programme. The Grundtvig Action aims to improve the quality of adult education programmes, to boost their European dimension and contribute to increasing opportunities for people who have difficulty in gaining access to the labour market. These three objectives have guided us when preparing and implementing this project. We agree with those responsible for Grundtvig that it is necessary to improve the situation of these people.

Both those responsible at Grundtvig as well as the persons who have participated in one way or another in the research wish to express our deepest gratitude for the support received<sup>1</sup>. We hope that this work may cast light to improve the difficult circumstances of people who are taking, or would like to take, university courses while serving time in prison.

The project has been carried out thanks to the joint work by Universities and Penitentiary Institutions in the different participating countries. We initially considered that joint participation by these institutions was very important to carry out the project, and the work over these years has confirmed that it was essential. Specifically, the universities group confirms this: Universidad Nacional de Educación a Distancia (UNED) (Spain), Universität Bremen (Germany), Centre National d'enseignement à distance (CNED) (France), Aristotle University of Thessaloniki (Greece), Universidad Autònoma de Barcelona (UAB) (Spain), Universitatea Nationala de Arta Teatrala si Cinematografica I.L.Caragiale din Bucuresti (Romania) and Rīgas Tehniskā Universitāte (Latvia). The Penitentiary Institutions who have supported the work are: Directorate General of Penitentiary Institutions (Spain), Senator für Justiz und Verfassung der Freien Hansestadt Bremen (Germany), Secretaria de Serveis Penitenciaris, Rehabilitació i Justícia Juvenil. Department of Justice of the Government of Catalonia (Spain), LR Tieslietu ministrijas Ieslodzījuma vietu pārvalde (Latvia), Penitentiary Services Education Unit of the South of France, Ministry of Justice of Romania and Ministry of Justice of Greece.

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<sup>1</sup> All the information and the recommendations offered in this document are the exclusive responsibility of the persons who formed the research teams in each country.

## CONCLUSIONS

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Implementation of university studies in prison within the framework of the EU may be classified according to four levels of development: Systematic implementation, random implementation, theoretical although not practical implementation, and implementation not considered. The elements that most clearly distinguish them are: the type of educational offer, their degree of diffusion, the supporting infrastructure and degree of institutionalisation.

- **Level 1. Systematic implementation:** the choice of higher education in prison is widespread among the inmates of Penitentiary Institutions in the country with sufficient qualifications and in all the prisons without exception. The programmes offered are the same as usually offered by the university to the public at large, with the exception of courses requiring laboratory practice and that obligatorily require the student to be present.
- **Level 2. Random implementation:** higher education in prison is implemented, but is not developed around a structure that guarantees its availability to all the inmates, in all the prisons, or throughout the country. Student access to higher education is conditioned by regional factors, or by the specific conditions of each prison.
- **Level 3. Theoretical but not practical implementation:** There is a real rift between the theoretical-legal framework that protects implementation of higher education in prison and its real implementation. In practice, the higher education programmes have not been implemented, although the students may formally apply for them.
- **Level 4. Implementation not contemplated:** Higher education does not exist and there are no students. This does not mean that the Penitentiary or Educational Institutions do not consider the need for educational programmes in prison. The fact is that implementation of formal education has taken place at lower levels quite recently and it is hoped that these levels will be the first to receive resources and attract political interest.

Two ideal postures may be distinguished among the education officers at the Penitentiary Institutions with regard to the meaning of education and the way to act with regard to educational programmes:

1. A conservative, passive position, related to the role of organising and administering education to the inmates that is characterised by placed **redemption above re-education or training** of the inmate. Its function is complementary to the sentence and is never its objective.
2. A progressive, active posture, that takes into account the fact of considering changes and contexts in the organisation and administration of education in prison, the main approach of which is based on the case that **places re-education above redemption** of the inmate. Educational programmes are not supplementary to the sentence, but rather a main additional objective for inmate re-education and their rehabilitation inside and outside prison. In this sense education should be understood as *“an efficient tool against the pessimism, psychological decline and apathy caused by imprisonment”*.

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Observed from this legal perspective, except in the case of level 4 of implementation, in which there is no specific mention in the local legal texts of the way in which the right to higher education in

prison must be protected, at the rest of the levels, the legislative frameworks in the different countries protect access to that educational level.

International Law, and more specifically the mention of the right to education considered under the Declaration of Human Rights and local penitentiary laws, are the legal sources that formally protect the running of higher education programmes in the countries studied.

The most protective local laws (Level 1 and 2) have based their development on two fundamental ideas: a) serving time in prison must almost exclusively be focussed towards deprivation of freedom, which means that social activity by inmates must be protected and encouraged; and b) the main objective of prison is to prepare the inmates, while serving time, for their return to society, so training and re-education activities must be the main activities of the penitentiary institution.

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Organisation of higher education programmes in prisons is mainly based on three educational models: a) distance learning; b) direct teaching in prison classrooms; and c) attending lectures at university on special leave or under sentences with reduced or attenuated deprivation of freedom.

Models b and c are minority and normally used at low development levels of higher education in prison, or under exceptional circumstances. The model mainly used in Level 1 and 2 countries is that of distance learning. Undoubtedly, it is the most adequate, as it allows the academic activity to be organised in a similar way to that usually performed outside prison. The model enables a major part of the work by the student to be carried out autonomously, which evens out the differences of opportunities between a student in prison and one who studies outside. Although this is approached as a sole model here, in practice there are different ways of applying distance learning.

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In countries with greater implementation, the programmes are mainly financed by the penitentiary institutions and/or ministries of education. The universities do not usually finance the activity, although they sometimes make contributions to perform academic activities. What is most usual is for financing to adopt grant form for payment of enrolment fees and the study materials.

If there are no subsidies, or if the academic performance requisites are not fulfilled, the students pay for their education. This situation is so burdensome that when it arises, levels of participation fall due to students dropping out.

The study grants do not continue once the students end their sentences. That lack of support also causes them to abandon their studies.

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As to the nature of educational choice, the majority appear to be basic literacy, primary education and a series of vocational training courses such as, cookery, confectionery, mechanics, bricklaying, plumbing, gardening, etc. In the case of Germany, formal vocational training is widely implemented and well accepted among the inmates. To a lesser extent, correspondence courses are offered in secondary education and university access, university studies being the fewest in number.

Worth a separate mention are specific computing and language courses that are only offered in certain prisons and as a special supplement to the official and non-official general courses.

Observation of the types of programmes offered indicates that the educational choice is more conceived to cover basic needs of literacy and for the younger inmates to be able to return to study having dropped out of the primary education system, than to provide coverage for adult education. If we observe the demographic characteristics of the prison population, we may conclude that the type of education in prison must mainly target adult education. This type of education seems to compete to obtain resources by schooling the younger inmates. This posture may have an influence on the low level of development of higher education and the suspicious attitude towards its application in many countries.

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The initial qualification of students who embark on university courses in prison is lower than that of all the university students in the countries studied put together. In countries where there is a university access test for adults, this is usually the starting point for a large number of people. The academic threshold that largely conditions qualification is usually the completion of secondary education. When students have reached this level or have passed it, their chances of successfully gaining admission and beginning their studies, increases. In fact, the presence of university students who began to study in prison at the lowest educational or literacy levels is minimal.

We estimate that the penitentiary population that would be able to access higher education in prisons in Europe might be between 3% and 5% of the prison population, which means that the presence of students in all countries is much lower than it should be. Undoubtedly, interest in higher education is lacking.

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The resources most frequently provided on the programmes are: a) spaces and material resources such as classrooms, learning material or computers; b) human resources, fundamentally teachers, tutors and support workers; c) learning material such as books, multimedia material or other teaching resources; and d) aid for access (grants for enrolment fees and learning material).

The evaluation by the set of students researched shows that the most appreciated resource is study time. In fact, 68% consider it adequate or highly adequate.

For 62.7%, availability – and supposedly quality – of the professors and tutors is classified as adequate or highly adequate. In fact, the second aspect best valued, even when there is a larger range of opinions, as shown by a high standard deviation.

Educational materials, space to study and library lie between pass and fail, taking into account that the middle point is 2.5. Especially the second ones, divide the respondents into two segments of a similar size among which there are those who consider those resources to be adequate and those who consider them inadequate.

Now, the availability of resources clearly criticised is that related to computers and Internet access. 65% of those consulted evaluated the computer resource as inadequate or very inadequate, which may be taken as a meaning that these do not exist.

When the same evaluation is performed exclusively by students enrolled in higher education, the results obtained vary toward more critical positions. That shows that the situation for this group is worse. Library and the use of Internet and computers reduce the score even more (page 94).

The main motive declared to return to study is linked to personal realisation and construction of a project for life after time in prison. On the other hand, one must emphasise the scarce relative weight of aspects more internally linked to the process of fulfilment of the sentence. One may say that study is fundamentally due to internal motivation (personal realisation) or by projection toward life outside prison.

The result of the factorial analysis of questions related to motivation to study (pages 85-87) shows the following situation by countries:

- Romania: prevailing division between those who are highly motivated to study and those who tend to be scarcely motivated to do so. On the other hand, due to lack of experience, there is no criticism of the existing resources.
- Spain (except Catalonia): the negative relation with lack of motivation indicates a good evaluation of the fact of studying in prison; however, in turn, criticism of the lack of resources provided to satisfy that motivation to study.
- Catalonia: a prevailing factor among the motivations is the instrumental nature of the studies, especially aimed at their usefulness in life on release.
- France: few reasons of an expressive nature that are related to the inmate feeling well, to study higher education in prison, the reasons of an instrumental nature being more important among the students.
- Greece: expressive motivations prevail, being related to the inmate feeling well, with scarce critical reasons concerning possible development.
- Latvia: a certain degree of lack of motivation for such studies prevails, along with the other extreme that emphasises the value these studies have for them.
- Germany: instrumental reasons prevail over expressive ones, displaying a certain degree of lack of motivation among the students themselves.

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The assessment of the experience of higher education in prison is highly positive. Nearly four out of five (79.3%) respondents valued that experience as good (58.9%) or very good (20.4%). That is, from the point of view of the subjects, the evaluation of the experience must be considered more than acceptable. However, it is convenient to break down the elements of this good global evaluation.

In all the countries participating, positive evaluation exceeds negative. Even so, some minor differences may be established. Thus, adding up the valuations as good and very good, the best global evaluations are found in Greece (88.09%), Catalonia (87.19%), Latvia (80%) and the rest of Spain (79.80%). The lowest is in Germany, even when it remains high: 73.68% of good and very good valuation. That is, in all countries, the overall score by the inmate students is more than notable.

Taking gender into account, one may state that overall evaluation by women is higher than that by men. In fact, more than 38% of them classify it as very good.

According to the motivation argued, the best score is given by those who have taken the decision to improve their situation inside prison. Among them, the total of those who classify the study experience as good or very good is 90.9%. Those who are motivated by reinsertion in society and professional life have a positive evaluation proportion of 83.69%. In the other major group according to motivation argued, personal satisfaction, the percentage is 80.41%. It seems that, considering that data, the two main motivations encounter sufficient satisfaction.

The influence of studies on life in prison is established as one of the best valued dimensions and one might say, one of the most immediate results and benefits of studying. Only 5% of the university

students who answered the question consider that they have been affected negatively or very negatively by studying. That is a valuation that, however, partially clashes with some of the aspects obtained in the empirical evidence based on qualitative approaches, where one may conclude that studying in prison has both positive aspects, that are well appreciated by the inmates, as well as some disadvantages.

That positive overall influence of higher education on life in prison is relatively contrasted when dealing with more specific aspects of that influence. Then, one observes that the maximum influences lay in the ability to occupy time in prison and to make the inmate feel better.

Studying in prison has essentially managed to help to pass time away (average 3.27 of a maximum of 5) and to make the inmate feel better (3.25 of a maximum of 5). That is, on one hand, study has become a source of entertainment (passing time) and, on the other, have made the inmate feel happier. An evaluation that amounts respectively to 3.35 and 3.37 among those who declare that their main motivation to study is personal satisfaction; the former dropping to 3.20 among those who claimed social and professional reinsertion to be their main motivation.

## RECOMMENDATIONS

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The recommendations made below are mainly aimed at those responsible for Penitentiary Policies at the European Commission and managers of Penitentiary Institutions in the countries in the Union. However, many of the replies found for these countries may help others to provide educational solutions in prison, although they are in different social contexts. In spite of their contrasts, in many senses, prisons are also exponents of a common social control culture.

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### Regarding the meaning of education in prison: general principles.

- Education must be understood as one of the main functions of prisons in preparing the inmates' return to society. Use of education aimed exclusively at occupying time in prison should be relegated, with regard to the type of standard education that allows the students to obtain personal support (improved self esteem) or instrumental advantages (access to the labour market) in the future.
- Education in prisons must adapt to the characteristics of the inmates. As the majority are adults, the type of offer must suit those usually provided in adult education systems. In that sense, university education and training for lifelong learning must be basic objectives of prison education systems.
- In order to guarantee the utility of the accreditations obtained, the academic requirements for students in prison must be the same as those for the rest of the population (the qualifications issued must not in any way mention the condition of the student being a prisoner).
- In order to guarantee equal conditions to study, the Penitentiary Institutions, along with the Academic Institutions, must analyse the resources available to inmate students and bring them into line with those that students outside prison have.

To sum up: education in prison must be used to prepare people's return to society, to adapt their offer to their condition as adults, having the same level of academic standards and guarantee equal conditions.

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### On access to higher education.

- Between 3% and 5% of European prisoners would be qualified to undertake higher education. The countries must adapt their educational programmes to provide coverage to their educational needs and encourage participation by those who have the necessary qualifications.
- The offer of higher education must be extended to the whole penitentiary population who fulfil the same academic requisites as students in the population at large who are admitted to University.
- Under no circumstance may the type of crime be a filter to access to such education. We must remember that the sense of education in prison is to prepare the inmates to return to society.



- Before the students choose the courses they wish to study, the Academic Institutions or return to work advisers must offer orientation concerning the professional outlets of the studies.
- Whenever students in prison do not have sufficient resources of their own to finance access to higher education, this must be free. In order to assess their financial status, the authorities must use the parameters normally used by the official study grant system.
- The possibility of continuing to receive free education must be conditioned by minimum academic performance. If the academic authorities consider that the conditions for study are equal to the rest of university students, the conditions should be the same. However, if those guarantees do not exist, the academic requisites to assess continued gratuity must be adapted to the students' situation.
- When reviewing the conditions of the students and encouraging participation, special care must be taken with groups of women and foreigners. It is quite possible that prison conditions may be more difficult for them than the rest of students in prison.
- The academic authorities must be especially careful when setting up administrative procedures for enrolment and personal accreditation. The conditions of people in prison may delay presentation or processing of documents.
- Academic activities by students must not penalise participation in paid prison work. Academic activity in prison must take into account students who work into account.

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#### **On organisation and financing higher education.**

- Higher education programmes must be protected by conventions between the academic authorities of the state, the universities and the authorities of the Penitentiary System. The conventions must specify the responsibilities of each institution, the financial responsibilities, regulations on access and time students remain and the way to organise basic academic activities such as classes, examinations, distribution of the material, allowed features and their alternatives.
- Financing higher education programmes must be assigned to the institutions responsible for the inmates and those which must promote education. Penitentiary Institutions and the educational authorities must co-finance the activity. The bad financial situation universities usually have makes it recommendable for them not to participate in that aspect. If financing depends on the universities, the programmes could suffer a setback.
- Private funds must be sought for these programmes among companies with an organised social responsibility. We must not forget that the situation of social exclusion in which many of the students or their families live may facilitate their eligibility for social actions.
- When there is a sufficient number of students cohabiting in a prison, it is recommended to create study areas. These spaces facilitate the academic and organisational activities, if the number does not exceed the management capacities of the educational officers.

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#### **On the type of programmes and the educational models.**

- The distance learning teaching model is that which has proven the greatest implementation capacity. The possibilities of organisation of the academic activity and the level of autonomy of

students enables a significant offer to be provided at reasonable costs. However, there are certain groups (young offenders) or types of sentences for which attending lectures at university under conditional day release may be highly beneficial.

- The offer of classifications must be the same as that offered by the reference universities to their students at large. Logically, one must analyse the specific curricular needs of each qualification to limit the offer to those that may be studied under equal conditions.
- The academic offer must preferentially concentrate on standard studies leading to an official qualification being awarded.

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### **On training the education officers**

- It is very important for education officers to be adequately trained and for their labour activity not to be related to student surveillance and control tasks.
- It is highly recommendable that education officers in prisons maintain a close bond of collaboration with universities in organisation of all academic activity.

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### **On integration of ICTs and digitized materials**

- Educational systems in general and higher education in particular are including many forms of educational materials in their learning tools that may only be used aided by a computer. Thus, it is indispensable that all the students, without exception, have access to these materials. To overcome possible security issues, it is recommended to create security standards or guides that allow the producers of the computer material to make a specific offer for that field.
- Advancement of technologies to create electronic communication spaces leads distance universities to offer an increasingly higher degree of interaction between the teaching teams and students. Little by little, this way of working will be imposed. It is recommendable to progress in creating secure systems to access these spaces. Meanwhile, there are intermediate solutions such as educational intranets, DVD recordings of educational content or other solutions.

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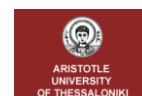
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